



147 Rec'd PCT/PTO 13 MAR 2006 CT

Table of Contents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re:	Patent Application for Clough	Dated:	March <u>10</u> 2006
Serial No.:	10/551,894 ✓	Art Unit:	
Filed:	3 March 2004	Examiner	
For:	Improved method of Resistance Management for Transgenic Crops	Action:	Information Disclosure

To: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

TABLE OF CONTENTS FOR INFORMATION DISCLOSURE

1. Table of Contents
2. Remarks & list
3. Express Mail Certificate
4. Form PTO/SB/08A & PTO/SB08B
5. Copies of documents disclosed
6. Postcard

REMARKS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re:	Patent Application for Clough	Dated:	March <u>10</u> 2006
Serial No.:	10/551,894	Art Unit:	
Filed:	3 March 2004	Examiner	
For:	Improved method of Resistance Management for Transgenic Crops	Action:	Information Disclosure

REMARKS

The documents identified on the attached for PTO-1449 have come to the attention of the undersigned in connection with the subject application. Copies of these documents are also attached, unless otherwise indicated below, and it is respectively requested that they be made of record in this proceeding. The identification of these documents is for the purpose of meeting Applicant's duty of disclosure under 37 C.F.R. 1.56 and is not intended to be an admission that any of these documents constitute prior art as to the invention disclosed in the subject application.

U.S. PATENT

6,501,009	Romano
6,338,040	Buman, et al
5,640,804	Driver, et al

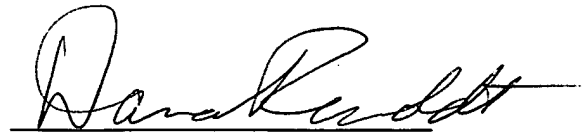
FOREIGN PATENTS

WO 02/136009	Regents of the University of California
EP 0 400 246	Van Mellaert, et al
WO 96/08136	Treetech Management et al
WO 01/92561	Purdue Research Foundation
WO 02/13609	Regents of the University of California
WO 03/060463	Purdue Research Foundation

REFERENCES

<u>Author</u>	<u>Title</u>
WHALON	Bacillus thuringiensis: Use and Resistance management
ROUSH	Two-Toxin strategies for management of insecticidal transgenic crops: Can pyramiding success where pesticide mixtures have not
FRUTOS	Managing insect resistance to plants producing Bacillus thuringiensis toxins Bacillus thuringiensis Cry2Ab2 protein and the genetic material necessary for its production in cotton fact sheet
CAPRIO	Evaluating resistance management strategies for multiple toxins in the presence of external refuges
HUNT	Resistance management for European corn borers and Bt transgenic corn: refuge design and placement
ROUSH	Bt-transgenic Crops: just another pretty insecticide or a chance for a new start in resistance management?
DANG	Greenhouse Tests on Resistance Management of Bt Transgenic Plants Using Refuge Strategies
SAYYED	Inheritance of resistance to Bt canola in a field-derived population

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana Rewoldt", written over a horizontal line.

Dana Rewoldt, #33,762
Garst Seed Company
2369 330th Street, Box 500
Slater, IA 50244
(515) 685-5059

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the attached Information Disclosure is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Commissioner for Patent, PO Box 1430, Alexandria, VA 22313-1430, on this 10 day of March, 2006.

Heena Hantel

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/551894
Filing Date	10/4/05
First Named Inventor	Clough
Art Unit	
Examiner Name	
Attorney Docket Number	050-3-1

Sheet	1	of	2
-------	---	----	---

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)	MM-DD-YYYY			
		WO 02/13609	02/21/2002	Regents of the Univ of CA	1-26	
		EP 0 400 246	12/05/1990	Van mellaert, et al	1-26	
		WO 96/08136	03/21/1996	Treetech Management, et al	1-26	
		WO 01/92561	12/06/2001	Purdue Research Foundation		
		WO 02/13609	02/21/2002	Regents of the Univ of CA		
		WO 03/060463	07/24/2003	Purdue Research Foundation	1-3,5,6,11-15, 20-23	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number 10/551,894

Filing Date 10/04/2005

First Named Inventor Clough

Art Unit

Examiner Name

Attorney Docket Number 050-3-1

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		WHALON, Chapter 7: Bacillus thuringiensis: Use and Resistance management; 1998, pgs 106-107	
		ROUSH, Two-toxin strategies for management of insecticidal transgenic crops: Can pyramiding success where pesticide mixtures have not?", Oct 29, 1998, pgs 1777-1786	
		FRUTOS, Managing insect resistance to plants producing Bacillus thuringiensis toxins, September 1999, pgs 227-276	
		Bacillus thuringiensis Cry2Ab2 protein and the genetic material necessary for its production in cotton fact sheet; US Environmental Protection Agency, 12/2002	
		CAPRIO, Evaluating resistance management strategies for multiple toxins in the presence of external refuges, Journal of Economic Entomology, 10/1998, pgs 1021-1031	
		HUNT, Resistance management for European corn borers and Bt transgenic corn: refuge design and placement, Nebraska Cooperative Extension, 10/2002	
		ROUSH, Bt-transgenic Crops: just another pretty insecticide or a chance for a new start in resistance management?, 1997, Pestic.Sci., pgs 328-334	
		DANG, Greenhouse Tests on Resistance Management of Bt Transgenic Plants Using Refuge Strategies, 2001, J.Econ. Entomol., pgs 240-247	
		SAYYED, Inheritance of resistance to Bt canola in a field-derived population, 2003, Pest Management Science, pgs 1197-1202	

Examiner Signature	Date Considered
-----------------------	--------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.